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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/782,036    02/14/01    HINDS

T    051544

IM31/1009  
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EXAMINER

GALLAGHER, J

ART UNIT

PAPER NUMBER

1733

DATE MAILED:

10/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/784036

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-24 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-24 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☒ received in Application No. (Series Code/Serial Number) 09/14,326.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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1. Applicants' Preliminary Amendment, filed 14 February 20901, has been received and made of record. Regarding the statement of continuing data submitted therein, the following amendments are deemed necessary: (a) Line 1 - insert "application" after "This"; and (b) delete the terms (1) "June 27, 2000 . . . . . date of" in lines 1-2; and (2) ")", the disclosure . . . . . by reference." in lines 2-3.

2. The disclosure is objected to because of the following informalities: (a) Correct the spelling of "mat" (i.e. should NOT be "matt") wherever it appears throughout the specification; and (b) page 13 line 1 - change "CLAIMS" to "We Claim" or equivalent, as per MPEP § 608.01(m).

Appropriate correction is required.

3. Claims 1-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically (a) claim 1 line 4 and claim 9 line 7 - "coating"/"coatings" should read "thus coated substrate/substrates" as applicable; (b) claims 2-5 line 1 of each (and also claim 2 line 2) - see paragraph 2(a), above; (c) claim 9 - delete (1) lines 2-3 in their entirety (as being redundant); and (2) "first" in line 4 (as being unnecessary); (d) no antecedent basis for (1) "conveyor" in line 2 of claim 10; (2) "the saturation layer" in line 3 of claim 17; and (3) "heating"

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in line 2 of claim 18; (e) claim 2 line 1 and claim 21 - words "especially" and "preferably" (all occurrences) are indefinite; (f) claim 12 line 2 - change "to" to "than"; and (g) claim 1<sup>8</sup> line 1 - change "a" to "the".

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 15-16, 21-22 and 24 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Weaver et al. in view of Soda et al.

Weaver et al. disclose that it is known to produce a floor covering composite via a process wherein a thermoplastic resin in particulate (i.e. granular or chip) form is applied to a fibrous (e.g. textile/fabric/cloth, felt, etc.) substrate, the thus coated substrate then being subjected to the action of heat and pressure (to consolidate the particulate resin into a fused layer), planished (i.e. smoothed/flattened/polished) to provide a gloss and finally cooled. (Figure, column 1 lines 20-25, column

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3 lines 35-49 and 65-75, column 4 line 1 thru column 5 line 12, column 7 lines 37-39).

Soda et al. disclose that it is known to apply heat and (continuous, UNIFORM) pressure to an assembly of plies/webs of (ANY) material to be laminated and/or processed utilizing a dual belt press (Figs. 1-2, column 1 lines 12-13, column 2 lines 19-40 (and N.B. lines 34-40) and 45-49, column 3 lines 9-40, N.B. column 5 lines 28-30), such that it would have been obvious to one of ordinary skill in this art to employ this dual belt press for its documented beneficial function/result in the process of Weaver et al. in place of the corresponding, analogous (calender roll couple) pressing means employed therein.

6. Claims 2-5 and 23 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Weaver et al. in view of Soda et al. and Eyman et al.

Eyman et al. disclose a process of the type/most similar to that of Weaver et al. and wherein it is further disclosed that it is known to employ a glass fiber/fiber glass web as the (floor covering) substrate or backing material (Abstract, column 1 lines 15-16, N.B. column 3 lines 7-16, N.B. column 5 lines 24-27), such that it would have been obvious to one of ordinary skill in this art to employ such a conventional, documented glass fiber substrate material in the process of Weaver et al. (as further modified by Soda et al.) in place of

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the corresponding, analogous substrate material employed therein; mere substitution of one known substrate material for another (and in/from an identical environment) involved.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 9-14 and 17-20 are further rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schermutzki.

Schermutzki discloses a process for forming a (reinforced constructional) laminate wherein a glass fiber web or mat has a particulate thermoplastic resin coating applied thereto on both surfaces utilizing a dual belt press, the coating being ultimately smoothed by the application of heat and pressure thereto. (Figs. 1-2, Abstract, column 1 lines 7-8 and 48-66, column 2 lines 18-21 and 66-68, column 3 lines 25-56). All of the essential/recited PROCESS limitations of these claims (regardless of the final product produced or envisioned) are held to be satisfied by this reference.

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9. Claims 9-14 and 17-20 are still further rejected under 35 U.S.C. § 103(a) as being unpatentable over Schermutzki taken in view of Brinkmann et al.

Brinkmann et al. disclose a process of the type/most similar to that of Schermutzki wherein the final constructional product/article produced is a composite floor covering material (Abstract, column 1 lines 6-16, column 2 lines 43-47 and N.B. lines 61-65, N.B. column 3 line 60 thru column 4 line 14), such that it would have been obvious to one of ordinary skill in this art to form such a composite floor covering material as shown in Brinkmann et al. utilizing the process of Schermutzki; mere utilization of a known process to produce a known article or material, being involved the two respective processes of these patentees being (again) most similar.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.


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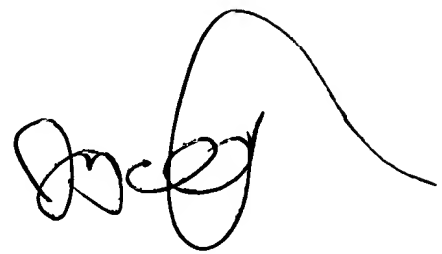
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

  
JJGallagher:cdc

September 27, 2001

  
**JOHN J. GALLAGHER**  
**PRIMARY EXAMINER**  
**ART UNIT 131 1733**